IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1211 OF 2004

Proposed Vishwasrao Narayan
Patil Sahakari Doodh
Vyavasaik Sanstha Maryadeet .. Petitioners.
Vs.
Hanuman Sahakari Doodh Vyavasaik
Sanstha Maryadeet & Ors. .. Respondents.

Mr.P.D.Dalvi for the petitioners.
Mr.G.N.Salunke for respondent no.1.

CORAM : D.B.BHOSALE, J.

DATED : 17TH FEBRUARY, 2005

P.C.:

. Heard Mr.Dalvi, learned counsel for the petitioners and Mr.Salunke, learned counsel for respondent no.1.

2. Rule, returnable forthwith.

3. Mr.Salunke, learned counsel waives service for respondent no.1. By consent of the parties taken up for final hearing.

4. The petitioners' proposal for new Dairy Society at village Mahe was initially rejected by respondent no.3 on 30.6.2003. That order was

carried in appeal by the petitioners before respondent no.4. The appeal was allowed by order dated 18.11.2003 and the petitioner-society was granted permission to collect milk and to open a bank account. That order was carried further by respondent no.1 in revision before respondent no.5. Though the petitioners had filed caveat they were not given notice by respondent no.1. Respondent No.5 granted order of stay in the revision filed by responent no.1 vide order dated 14th January, 2004. The revision is still pending for disposal before respondent no.5. The order dated 14.1.2004 is impugned in the present writ petition. This Court on 29.1.2004 while issuing notice to the respondents stayed the operation of the order dated 14.1.2004 passed by respondent no.5. By virtue of that order the petitioner-society continued to collect milk from its members. Keeping that in view, in my opinion, instead of going into merits of the case an appropriate course would be to set aside order dated 14.1.2004 and direct respondent no.5 to dispose of the revision within time frame. Hence the following order:

(a) The order dated 14.1.2004 passed by respondent no.5 is set aside. Respondent No.5 shall

endeavour to dispose of revision application filed by respondent no.1 as expeditiously as possible and preferrably within a period of three months from the date of receipt of this order.

(b) If the order passed by Respondent No.5 in the revision is adverse to the petitioners, it shall remain stayed for a period of 15 days from the date of its communication to the petitioners.

(c) The petitioners shall produce a copy of this order before respondent no.5 within two week from today.

(d) Rule is, accordingly, disposed of.

. The writ petition is disposed of.

(D.B.Bhosale, J.)